

REMARKS

Claims 1-11 are now pending in the application. Claims 1, 2, and 5-9 have been amended. Support for the amendments in Claim 1 can be found throughout the application as originally filed, and in particular in paragraphs [0014] and [0015]. Minor amendments have been made to Claims 2 and 5-9 to improve their clarity. Support for newly added Claim 11 can be found throughout the application as originally filed, and in particular in paragraphs [0013] and [0015] and originally filed Claim 5. As such, no new matter has been presented. The Office is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, and 5-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Luken et al. (U.S. Pat. No. 6,534,210). This rejection is respectfully rendered moot by amendment.

As the Examiner noted, “the fuel cell stack being purged of hydrogen prior to start-up” was previously presented in the preamble and, therefore, not given patentable weight. This language added to the body of newly amended claim 1 recites a limitation not included in the Luken reference.

Further, in claim 1 Luken describes electric power generated in an auxiliary fuel cell stack wherein a controller applies the electric power to run a compressor feeding the primary fuel cell stack. As described in the specification of the Luken reference, the fuel handling subsystem 50 brings hydrogen into contact with the oxidant in the auxiliary fuel cell stack 30, which then generates electric power. See col. 5, lines 40-

53 and col. 9, lines 61-64. This electric power is directed to various electrical loads, such as the compressor 64. See col. 7, lines 47-49. The compressor then, in turn, introduces hydrogen-containing fuel to the primary fuel stack 10. See col. 7, lines 51-53. The following steps are required in all of Luken's embodiments and as a basis for all claims, "...the controller is operable to apply at least a portion of the second quantity of electric power generated by the auxiliary fuel cell stack to the compressor to run the compressor to feed the oxidant into the oxidant flow path of the primary fuel cell stack..." See independent claims 1 and 13. Luken does not envisage "gradually increasing said electrical load on the fuel cell stack over time while using said increased electrical power generated to drive the compressor to supply additional oxygen to the cathode inlet" as described in Applicant's amended claim 1. The Luken reference clearly requires an auxiliary fuel cell stack to generate the necessary power for driving the compressor supplying oxidant to the primary fuel cell stack and does not contemplate a single, self-powering fuel cell stack.

For at least the above reasons, Applicant respectfully submits that claim 1 should be in condition for allowance. Claims 2 and 5-8 depend from claim 1 and should be in condition for allowance for at least the same reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luken, as applied to claims 1, 2, and 5-8. Applicant respectfully submits that the arguments presented above with respect to claim 1 render the rejection

of claims 3, 4, 9, and 10 moot. Claims 3, 4, 9, and 10 depend from claim 1 and should be in condition for allowance for at least the same reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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